REMARKS

Applicant has carefully studied the outstanding Official Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claim 1 has been cancelled without prejudice. Claims 2-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kuroki et al (U.S. Patent No. 5,476,587). Claims 2-21 also stand rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda et al (U.S. Patent No. 5,478,470).

Applicant will demonstrate herein below that the cited prior art does not render the present invention obvious, but rather teaches away from it.

Kuroki et al describes a leukocyte remover including a housing and a leukocyte-separating filter. The leukocyte filter is composed of one or more three dimensionally reticular porous members with continuous open pores having a most frequent pore diameter of 1-5μm. Kuroki states: "A prefilter portion on the upstream side of a main filter portion functions to remove fine particles in the blood and huge leukocyte particles among all leukocytes from the blood" (column 8, lines 37-45). Kuroki further describes the specific structure of the prefilter in column 8, lines 60-67, stating "a most frequent pore diameter of 2.5-3.5μm". According to Kuroki, the prefilter is used for capturing as many leukocytes as possible, which is evident from the preferred most frequent pore diameter for the prefilter.

Fukuda et al describes a filter material for selectively removing leukocytes from a leukocyte-containing suspension. Fukuda states: "In a particular example of this preferred form of the filter apparatus, a fibrous medium or a spongy structure...is disposed as an upper layer upstream of the main porous element. Further, between the material for capturing gels, microaggregates and the like as mentioned above, and the main porous element as a leukocyte-removing filter material, another fibrous medium or spongy structure is preferably disposed as a first stage leukocyte capturing material capable of capturing at least 60% of all leukocytes contained in a leukocyte containing suspension" (column 22, lines 35-61). It is therefore clear that the prefilter portion described by Fukuda functions in an initial filtering stage, and captures a large percentage of incoming leukocytes.

In contrast, claims 2, 10 and 16 of the present invention recite a prefilter which captures

less than 60% of incoming leukocytes.

Both Kuroki and Fukuda teach away from the present invention, as they describe capturing a high percentage (at least 60%) of leukocytes in the prefilter and the present invention describes the prefilter capturing a low percentage (less than 60%) of incoming leukocytes. Thus, it would not have been obvious to one of ordinary skill in the art to use either of the leukocyte filters described by Kuroki and Fukuda to arrive at the claimed invention, and in fact such use would have been counter-intuitive.

With reference to the above discussion, independent claims 2, 10 and 16 are deemed novel and non-obvious over the prior art of record and favorable reconsideration is respectfully requested. Claims 3-9, 11-15 and 17-21 depend directly or ultimately from the above mentioned independent claims and recite additional patentable subject matter and therefore are deemed patentable.

In view of the foregoing remarks and amendments, all of the claims are deemed to be allowable. Favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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